THE BOMBAY ANIMAL CONTAGIOUS DISEASES (CONTROL) ACT, 1948.

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SCHEDULE.

BOMBAY ACT No. LIX OF 1948.[1]

[THE BOMBAY ANIMAL CONTAGIOUS DISEASES (CONTROL) ACT, 1948.]

[*30th November 1948.*]

An Act to provide for the prevention and control of contagious diseases affecting animals.

WHEREAS it is expedient to provide for the prevention and control of contagious diseases affecting animals; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called the Bombay Animal Contagious Diseases (Control) Act, 1948.

Extent and commencement.

2. (*1*) This Act extends to the whole of the Province of Bombay.

(*2*) This section shall come into force at once. The Provincial Government may, from time to time, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force in such area in respect of such scheduled disease and on such date as may be specified in the notification and may by similar notification direct that such provisions shall cease to be in force in any area from such date as may be specified therein.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "animal" means any domesticated animal or bird, or any animal or bird kept in confinement;

(*b*) "export" means to take out of the Province otherwise than across a customs frontier as defined by the Dominion Government;

(*c*) "import" means to bring into the Province otherwise than across a customs frontier as defined by the Dominion Government;

(*d*) "infective animal" means an animal which is affected with a scheduled disease or has recently been in contact with or in close proximity to an animal so affected;

(*e*) "Inspector" means an Inspector appointed under section 4;

(*f*) "prescribed" means prescribed by rules made under section 36;

(*g*) "rules" means rules made under section 36;

(*h*) "scheduled disease" means any disease specified in the Schedule to this Act;

(*i*) "transport" means to remove to one place from another place within the Province;

(*j*) "Veterinary Surgeon" means a Veterinary Surgeon appointed under section 4;

Appointment of Veterinary Surgeons and Inspectors.

4. (*1*) The Provincial Government may, by notification in the *Official Gazette*, appoint a person to be a Veterinary Surgeon for the purposes of this Act for such local area as may be specified in the notification and may specify the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(*2*) The Provincial Government may, by a similar notification in the *Official Gazette*, appoint a person to be an Inspector for all or any of the purposes of this Act and specify the area within which he shall exercise the powers and perform the duties of an Inspector under this Act.

[1] For statement of Objects and Reasons, *see Bombay Government Gazette*, 1948, Part V, Page 475.

(*3*) A Veterinary Surgeon shall, within the area for which he is appointed, exercise all the powers which an Inspector may exercise under this Act and may exercise such powers in addition to his powers as Veterinary Surgeon.

Veterinary Surgeons and Inspectors to be public servants.

5. Every Veterinary Surgeon and every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

PART II.

PREVENTION AND CONTROL OF SCHEDULED DISEASES.

Power to prohibit or regulate import, export or transport of, holding of markets, fairs, etc. of, and traffic in, infective animals, etc.

6. (*1*) The Provincial Government may, for the purpose of preventing the outbreak or spread of any scheduled disease by notification in the *Official Gazette*, prohibit, control or regulate in such manner and to such extent as it may think fit—

(*a*) the import, export or transport of any animals, or the carcasses thereof, or of any part of animals or carcasses thereof or of any fodder, bedding or other thing used in connection with animals, which may, in the opinion of the Provincial Government, carry infection, or

(*b*) the holding of animal markets, animal fairs, animal exhibitions or other concentration of animals in any specified area, or

(*c*) the sale or other dealings in, infective animals or the carcasses of animals, which at the time of their death were infective, or any fodder, bedding or other thing used in connection with such animals which may, in the opinion of the Provincial Government, carry infection.

(*2*) The Provincial Government may, by notification in the *Official Gazette*, specify the season or seasons during which and the route or routes by which animals may be imported into the Province and no person shall import animals into the Province otherwise than during the season and by the route so appointed.

Establishment of quarantine stations.

7. (*1*) The Provincial Government may establish quarantine stations for the inspection and detention of animals along the route appointed under sub-section (*2*) of section 6.

(*2*) All animals inspected or detained at a quarantine station shall be liable—

(*a*) to be vaccinated against any scheduled disease if in the opinion of the officer in charge of such station it is necessary to do so ; and

(*b*) to be marked in the prescribed manner.

(*3*) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination and marking shall be such as may be prescribed.

(*4*) The animals detained at a quarantine station shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep and for the payment of such fee for their vaccination and marking as may be prescribed.

(*5*) The officer in charge of the quaratine station shall, at the time of release of an animal from the station, grant in such form as may be prescribed a permit to the person in charge of the animal and such person shall, while in charge of the animal, produce it whenever required to do so by an Inspector or a Police Officer.

Power to isolate infective animals and their examination.

8. (*1*) Where an Inspector has reason to believe that any animal is infective he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order :

Provided that where there is no person in charge of the animal and the owner is unknown, or where the order cannot be communicated to the owner of the animal without undue delay or where the person in charge of the animal refuses to comply with the order under this sub-section, the Inspector may seize the animal and remove it to a place of isolation or segregation.

(*2*) The Inspector shall forthwith report to the Veterinary Surgeon every order or seizure under sub-section (*1*).

Power of Veterinary Surgeons to examine animals.

9. (*1*) On receipt of a report under sub-section (*2*) of section 8 the Veterinary Surgeon shall, as soon as practicable, examine the animal and all animals with which it has been in contact or to which it has been in close proximity, and for this purpose may submit any animal to any prescribed test.

(*2*) If after such examination the Veterinary Surgeon—

(*a*) is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who, in his opinion, is entitled to its possession :

Provided that where such person cannot, in the opinion of the Inspector, be found after reasonable inquiry, he shall send the animal to the nearest cattle pound or deal with it in such other manner as may be prescribed,

(*b*) certifies in writing that any animal is affected with a scheduled disease, the Inspector shall destroy the animal, or deal with it in such other manner as may be prescribed, or

(*c*) certifies in writing that any animal is infective, though not diseased the animal shall be dealt with in such manner as may be prescribed.

(*3*) The decision of the Veterinary Surgeon whether any animal has been in contact with or in close proximity to an animal suspected to be affected with a scheduled disease shall be final.

Compensation for animals destroyed.

10. (*1*) The owner of an animal destroyed under sub-section (*2*) of section 9 may be paid such compensation as shall be determined in the manner prescribed :

Provided that no compensation shall be paid—

(*i*) to any person convicted of any offence punishable under this Act committed in respect of such animal ; or

(*ii*) in respect of any animal which, when it was imported, was affected with a scheduled disease on account of which it was destroyed.

(*2*) The decision under sub-section (*1*) regarding the right of a person to be paid any compensation or the amount of such compensation shall be final.

Declaration of private infected places and examination of such places by Veterinary Surgeon.

11. (*1*) If an Inspector has reason to believe that an infective animal is kept on any land, or in any building or other place he shall, forthwith, by order in writing, declare such land, building or place to be an infected place. The Inspector shall deliver a copy of the order to the owner, occupier or person in charge of the infected place and report his action to the Veterinary Surgeon.

Nothing in this sub-section shall apply to any place which is owned by or is under the control or management of, any local authority or a railway administration and in which animals are kept temporarily for purposes of sale or exhibition or while in transit.

(*2*) On receipt of a report under sub-section (*1*), the Veterinary Surgeon shall, as soon as practicable, examine the infected place and the animals kept therein. After such examinaton, he shall either confirm or cancel the order passed by the Inspector.

(*3*) If the Veterinary Surgeon confirms the order passed by the Inspector, he may declare all places in which animals are kept, temporarily or otherwise, within a radius not exceeding one mile from the infected place, to be infected places. The Veterinary Surgeon shall give a written notice of such declaration to the owners, occupiers or persons in charge of such places. The Veterinary Surgeon shall thereafter report the action taken by him under this section to the prescribed authority.

(*4*) If the Veterinary Surgeon cancels the order passed by the Inspector, the place specified in such order shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

Declaration of public infected places.

12. (*1*) Where the Veterinary Surgeon has reason to believe that an infective animal is or has been kept in any place which is owned by or is under the control or management of any local authority or railway administration or a port authority and in which animals are kept temporarily for purposes of sale, or exhibition or while in transit, he may, by order in writing, declare such place to be an infected place.

(*2*) The Veterinary Surgeon shall—

(*a*) cause a copy of the order passed by him under sub-section (*1*) to be exhibited prominently in the infected place in the regional language of the locality ;

(*b*) cause a copy of such order to be delivered at the office of the local authority or to the station master of the nearest railway station or to the Officer in charge of the port or in charge of a shipping office at such port, as the case may be ;

(*c*) cause a copy of the order to be sent to the nearest police station ; and

(*d*) forthwith report the action taken by him to the prescribed authority.

Power of Provincial Government to declare infected areas.

13. (*1*) On receipt of the report of the Veterinary Surgeon under sub-section (*3*) of section 11 or sub-section (*2*) of section 12, the prescribed authority shall, after making such further inquiry as it thinks fit, submit such report with his remarks thereon, to the Provincial Government.

(*2*) The Provincial Government on receipt of the report from the prescribed authority may—

(*a*) confirm the declaration under sub-section (*1*) or (*3*) of section 11 or sub-section (*1*) of section 12 either with or without modification ; or

(*b*) cancel any such declaration.

(*3*) Where the Provincial Government confirms any such declaration, either with or without modification, a notification shall be published in the *Official Gazette*, defining the limits of the area to which the declaration, with the modifications, if any, made therein, shall apply and declaring such area to be an infected area.

(*4*) The Provincial Government may by notification in the *Official Gazette* add to, amend, vary or rescind any notification published under sub-section (*3*) either on its own motion or on a further report of the Veterinary Surgeon submitted to it through the prescribed authority.

(*5*) On publication of a notification under sub-section (*3*) or (*4*), any place declared by the Inspector or the Veterinary Surgeon to be an infected place and not included in the infected area as defined in such notification shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(*6*) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the regional language thereof a copy of the notification issued under sub-section (*3*) or (*4*).

(7) Where the Provincial Government cancels any declaration referred to in sub-section (2), any place specified in such declaration shall cease to be an infected place and the Inspector shall give notice accordingly to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

Removal of animals and other things from infected area or place prohibited without licence.

14. (1) Where any area or place has been declared to be an infected area or place under the foregoing provisions, no person shall, while such a declaration remains in force, remove any infected animal, alive or dead, or any part of an animal or any food, bedding or other thing used in connection with an animal, save in accordance with the conditions of a licence granted by the Inspector.

(2) Nothing contained in sub-section (1) shall apply to the carriage by railway of any animal or thing referred to in that sub-section through an infected area or place :

Provided that where any such animal or thing while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with the provisions of sub-section (1).

Power to require animals, etc., to be brought to infected areas.

15. Where any animal or thing referred to in section 14 is removed from an infected area or place otherwise than in accordance with the conditions of a licence granted under the said section 14, any Inspector or Police Officer may require the owner or person in charge of such animal or thing to take it back to such area or place :

Provided that nothing in this section shall affect the powers of an Inspector under section 8 to deal with infective animals.

Cleansing and disinfection of vessels and vehicles.

16. (1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected by him at such periods and in such manner as may prescribed.

(2) The person in charge of every such vessel or vehicle shall, when required to do so by an Inspector, cause the vessel or vehicle to be taken to such place as the Inspector may direct and to stop and remain stationary for so long as may reasonably be necessary for the purpose of enabling the Inspector to inspect such vessel or vehicle. The Inspector may, after such inspection, if in his opinion the vessel or vehicle is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

(3) Nothing in this section shall apply to the rolling stock of any railway.

Power to require disinfection of infected premises, vessels or vehicles.

17. Subject to such rules as may be prescribed, the Veterinary Surgeon, by order in writing, require the owner, occupier or person in charge of any land, building, or other place or of any vessel or vehicle in which an infective animal has been kept to have such land, building, place, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed, in such manner and to such extent as may be specified in the order.

Power of Veterinary Surgeon to hold post-mortem.

18. Subject to such rules as may be prescribed the Veterinary Surgeon may make or cause to be made a post-mortem examination of any animal which at the time of its death was infective or is suspected to have been infective, and for this purpose he may cause the carcass of such animal to be exhumed.

Duty of certain persons to report scheduled disease.

19. Every owner or person in charge of, and every Veterinary practitioner who has been called to treat, an animal which he has reason to believe to be affected with a scheduled disease shall forthwith report the fact to the Inspector having jurisdiction in the area.

Keeping or grazing infective animal prohibited.

20. No person shall keep or graze in open or unenclosed land to which other persons have a right of access for their animals, any animal which he knows to be infective.

Bringing of infective animals in market, etc., prohibited.

21. No person shall bring or attempt to bring into any market fair, exhibition or other concentration of animals, any animal which he knows to be infective.

Placing of carcass of infective animals in river etc., prohibited.

22. No person shall place or cause or permit to be placed in any river, lake, canal or other water or in the sea within such distance from the shore, as may be prescribed, the carcass or any part of the carcass of any animal which at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective.

Disinterring without lawful authority carcass of animal prohibited.

23. No person shall without lawful authority disinter or cause to be disinterred the carcass or any part of the carcass of any animal which, at the time of its death was infective or which was destroyed on account of its being infective or suspected to be infective.

Powers of entry and inspection.

24. Subject to such rules as may be prescribed, an Inspector may enter upon and inspect any land, building or other place or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

Enforcement of orders and recovery of expenses.

25. (*1*) Where by any notice, requisition, or order made under this Act or under any rule or notification issued thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such things shall be done, as the case may be.

(*2*) If such measures are not taken or such thing is not done within the time so specified, the authority issuing the notice, requisition or order may cause the measures to be taken or the thing to be done at the cost of the person concerned.

(*3*) The cost of any measures taken or thing done under sub-section (*2*) shall be recoverable from the person concerned in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a Court as if such costs were a fine imposed by a Court. V of 1898.

Power of Inspector to decide whether or not animal is infective

26. If any question arises under this Act whether or not an animal is an infective animal, the question shall be decided by the Veterinary Surgeon and his decision shall be final.

Penalties.

27. Whoever—

(*i*) fails to carry out any direction specified in, or contravenes the terms of, any notification issued under section 6 or imports any animal in contravention of the provisions of sub-section (*2*) thereof, or

(*ii*) to feed or look after the upkeep of the animal under sub-section (*4*) of section 7 or fails to produce the permit under sub-section (*5*) thereof, or

(*iii*) fails to comply with an order made by an Inspector under sub-section(*1*) of section 8, or

(*iv*) removes any animal or thing from an infected area or place in contravention of the provisions of section 14, or

(*v*) fails to comply with any direction given by an Inspector or a Police Officer under section 15, or

(*vi*) fails to cleanse or disinfect any vessel, or vehicle used for removing animals in the manner prescribed as required under sub-section (*1*), or fails to cause any vessel or vehicle to stop and remain stationary when required to do so under sub-section (*2*), of section 16, or

(*vii*) fails to comply with an order made by a Veterinary Surgeon under section 17, or

(*viii*) fails to report that an animal is infective as required by section 19, or

(*ix*) keeps or grazes any animal which he knows to be infective in contravention of the provisions of section 20, or

(*x*) brings or attempts to bring any animal which he knows to be infective in contravention of the provisions of section 21, or

(*xi*) disinters or causes to be disinterred the carcass or any part of the carcass of any animal which at the time of its death was infective or was destroyed on account of its being infective or suspected to be infective in contravention of the provisions of section 23,

shall, on conviction, be punished with fine which may extend in the case of a first conviction to one hundred rupees, and in the case of a second or subsequent conviction whether under the same or any other clause of this section to five hundred rupees.

Penalty for placing carcass of infective animal in river, etc.

28. Whoever places or causes or permits to be placed in any river, lake, canal or other water or in the sea within such distance from the shore, as may be prescribed the carcass or any part of the carcass of any animal which at the time of its death was infected or which was destroyed on account of its being infective or suspected to be infective, in contravention of the provisions of section 22 shall, on conviction, be punished, in the case of a first conviction with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees or with both, and in the case of a subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Penalty for vexatious entry, inspection and seizure.

29. (*1*) Whoever, being an Inspector or a Veterinary Surgeon, appointed under this Act, vexatiously and unnecessarily enters or inspects any land, building or other place or any vessel or vehicle or seizes or detains any animal shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(*2*) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Officers bound to assist Inspectors and Veterinary Surgeons.

30. All village officers and all officers of the departments of revenue, agriculture and veterinary shall be bound—

(*a*) to give immediate information to the Veterinary Surgeon and Inspector having jurisdiction in the area regarding the prevalence of a scheduled disease among animals in the area,

(*b*) to take all necessary measures to prevent the spread of disease, and

(*c*) to assist the Veterinary Surgeon and Inspector to carry out the provisions of this Act.

Institution of proceedings.

31. No Magistrate shall take cognizance of any offence punishable under this Act except upon the complaint of a Veterinary Surgeon.

Jurisdiction of Magistrate.

32. No Magistrate, other than a Presidency Magistrate, a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf by the Provincial Government shall try any offence punishable under this Act.

Bar of claim to compensation.

33. No person shall except as provided for in section 10 be entitled to any compensation on account of the destruction of any animal or thing under provisions of this Act or of any loss, injury or inconvenience caused to him by reason of anything lawfully done under this Act.

Officers to act subject to orders of Government.

34. All officers shall exercise the powers and perform the duties conferred and imposed on them by or under this Act in accordance with such orders, not inconsistent with the provisions of this Act, as the Provincial Government may from time to time make.

Protection for action taken under this Act.

35. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made under this Act.

Rules.

36. (*1*) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following matters, namely: —

(*i*) the manner of marking animals under sub-section (*2*), the period of detention under sub-section (*3*), the amount of fee for the vaccination and marking of animals under sub-section (*4*), and the form of permit under sub-section (*5*), of section 7 ;

(*ii*) the test to which an animal may be submitted under sub-section (*1*), and the manner in which an animal may be dealt with under sub-section (*2*), of section section 9 ;

(*iii*) the manner in which compensation shall be determined under section 10 ;

(*iv*) the authority to be prescribed for the purposes of sections 11, 12 and 13 ;

(*v*) the periods at which and the manner in which the vessels and vehicles shall be cleansed and disinfected under section 16 ;

(*vi*) for disinfecting land, building or other place or vessel or vehicle under section 17 ;

(*vii*) the making of post-mortem examinations under section 18 ;

(*viii*) the distance from the shore within which carcasses shall not be placed under section 22 ;

(*ix*) for regulating the powers of an Inspector under section 24.

(*3*) In making a rule under sub-section (*1*) or sub-section (*2*), the Provincial Government may provide that a breach thereof shall be punishable with fine which may extentd in the case of a first conviction to Rs. 50 and in the case of a second or subsequent conviction to Rs. 100.

(*4*) The rules made under this section shall, subject to the condition of previous publication, be published in the *Official Gazette*.

SCHEDULE.

1. Rinderpest or cattle plague.
2. Foot and Mouth Disease.
3. Hoemorrhagic Septicaemia.
4. Blackquarter.
5. Anthrax.
6. Tuberculosis.
7. Johne's Disease.
8. Rabies.

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